

# Committee on Resources

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## Testimony

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### Subcommittee on Water and Power

Tuesday, July 17, 1997

1324 Longworth HOB, 2:00 P.M.

**TESTIMONY OF**  
**John C. Williams, General Manager,**  
**Canadian River Municipal Water Authority**  
**before the**  
**Water and Power Resources Subcommittee**  
**House Resources Committee**

**July 29, 1997**

Mr. Chairman, Committee Members: My name is John C. Williams. I am General Manager of the Canadian River Municipal Water Authority, a Texas entity which supplies water to nearly 500,000 citizens in eleven cities of the Texas High Plains, including the cities of Amarillo, Borger, Brownfield, Lamesa, Levelland, Lubbock, O'Donnell, Pampa, Plainview, Slaton, and Tahoka. It is a pleasure to appear before you today to discuss pending legislation which is of great interest and potentially of great benefit to the Authority and its member cities.

**H. R. 2007 -- Amending Canadian River Project Authorization to allow use of the Project distribution system to transport other water.**

By its Act of December 29, 1950, (PL 81-898) Congress authorized construction of the Canadian River Project by the Bureau of Reclamation. The Project consists of Sanford Dam and Lake Meredith on the Canadian River north of Amarillo, and a 322-mile aqueduct of mostly concrete pipe to carry the water from the Lake to the cities. The Canadian River Municipal Water Authority is the local organization which was formed to pay for, operate, and maintain the completed project. The Canadian River Project was constructed in the 1960's at a cost of nearly \$84 million, with initial deliveries of water on a firm basis beginning in 1968. The Authority has operated the Project continuously since July 1, 1968, at no cost to the Federal Government. We have made twenty-eight payments on the reimbursable obligation amounting to over \$81 million, and have supplied over 610 billion gallons of water to our cities, constituting about 70% of their total water supply for the last twenty-nine years.

In spite of the value which this Project has represented to our region, there have been problems and the Project has not entirely lived up to our expectations. First, the water quality has been more salty than desired, forcing some of our cities to continue use of their precious groundwater for blending to improve quality. Those cities which do not have adequate water for blending must use the poor quality water as is. Second, there is not as much water available from the Project as projected. Two independent studies funded by the Authority have shown the available yield to be only about 76,000 acre-feet per year. Estimates in 1960 indicated that we should be able to get at least 103,000 acre-feet per year, and perhaps more depending on upstream developments in New Mexico. Our cities need all that we can supply, so the shortage is a

significant problem.

The Authority has acted to address both of these problems. First, the Lake Meredith Salinity Control Project is being planned. Authorized by Congress as a Reclamation Project in 1992 by PL 102-575, this Project will intercept and dispose of a substantial part of the brine which is contributing to the excess saltiness of the Lake, and allow eventual improvement of water quality. Construction costs will be paid by State and local funds, with Reclamation providing the design and construction oversight. Although there have been delays and set-backs, construction of the Salinity Control Project is expected to begin by early next year.

More recently, the Authority has planned and is executing the Conjunctive Use Groundwater Supply Project. Consisting of a large well-field located in a non-agricultural area and a 35-mile pipeline to bring the well water to a point where it can be mixed with the Lake water, this Groundwater Supply Project will make up the shortfall of water supply from the Lake and enable the Authority to provide a uniform mixture of well water and Lake water to its cities, with the blend controlled to meet applicable drinking water standards. The entire \$80 million cost of the Conjunctive Use Groundwater Supply Project will be paid by the member cities of the Authority. There is no Federal funding involved at all. (By enacting the Emergency Drought Relief Act of 1996 (PL 104-318) Congress provided a three-year deferral of our debt payments for the original Canadian River Project in recognition of the shortfall in available supplies from Lake Meredith.) We expect that the design of facilities for the groundwater project will be complete this fall, and that construction can proceed shortly thereafter.

With that background, let me explain the need for H. R. 2007.

Throughout the process of planning for the Conjunctive Use Groundwater Supply Project, the Bureau of Reclamation was kept advised of our effort. They were certainly aware of the need for additional water, and of the problems with water quality. Under the Repayment contract between BuRec and the Authority, the Authority operates and has rights to use the existing facilities and may construct additional facilities as it may need, so long as there is no substantial change of the original Project works. There is no Federal water right involved in the original Canadian River Project -- the Authority holds a State-granted right to store and divert that water -- so there will be no mixing of federally-owned water with the groundwater. The new water supply will simply enable us to carry out the purposes of the original project. However, after the Authority made a very substantial investment to secure the underground water rights for the new project, BuRec unilaterally informed the Authority that it must obtain "permission" from BuRec to transport the groundwater through the facilities of the existing Canadian River Project aqueduct.

(In actuality, BuRec first advised that it lacked "adequate authority to allow the use of Canadian River Project facilities for the storage or conveyance of non-project water...")

Needless to say, these findings were of great concern to the Authority. Ultimately, BuRec determined that it could give "permission" if the Authority would agree to BuRec review of proposed plans, verification of easements, review of all necessary regulatory permits, compliance with the National Environmental Policy Act (NEPA), and execution of a supplemental contract which would "integrate the groundwater facilities into the Canadian River Project." All of this would be accomplished under a Memorandum of Understanding by the terms of which the Authority would agree to pay all costs incurred by BuRec in the process. The time required to complete the review and approval process was undetermined.

In order to expedite the "permission" process, the Authority has now agreed to try to jump through the administrative hoops necessary to satisfy their requirements, even though many other connections have been

made to the existing aqueduct with only engineering review. A Memorandum of Understanding has been agreed to, by which we will pay them an estimated \$18,200. An Environmental Assessment is being prepared by one of our consultant firms, at a cost of \$20,000 or \$30,000 -- yet to be finally determined. It is hoped that this process will be complete in time to allow the Authority to proceed with the sale of bonds and construction of the Conjunctive Use Groundwater Project. However, it does not diminish our desire for passage of H. R. 2007.

From the past actions of BuRec, it is apparent that there is some question about their authority to give "permission" in this instance. Further, in the event that some problem develops with the administrative actions required by BuRec (or if we are unable to agree on the terms of the required "supplemental contract"), their administrative proceedings could be unsuccessful. Because the groundwater project is so important to the member cities of the Authority, and to assure that it can go forward, it is requested that Congress proceed to enact H. R. 2007.

There may be complaints that passage of H. R. 2007 will prevent environmental review of the proposed Project. It should be noted that a non-federally conceived and financed project like this is not subject to NEPA. The only requirement for NEPA compliance was created by the BuRec's imposition of a requirement that it must make a decision whether to allow the connection of our new project to the existing aqueduct. At any rate, the environmental assessment is now underway under the terms of the MOU, and may be complete before Congress can act.

There will be no additional cost to the Federal Government because of the passage of H. R. 2007. Since the Authority and BuRec have agreed on the terms of a Memorandum of Understanding, any work performed by BuRec under that MOU will be paid for. If activities authorized by the MOU are discontinued there should be no further costs generated. There certainly will be no negative impact on the federal deficit as a result of the passage of this Act.

We urge your favorable consideration of H. R. 2007. Thank you for the opportunity to appear here today to address this critical need. If there are questions about any of the above testimony, or any related subject, I would be most happy to respond.

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